

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Clerk's Minutes
Before the Honorable James O. Browning

CASE NO. 19-CR-0077 JB

DATE: 5/7/2021

TITLE: *USA v. Nissen*

COURTROOM CLERK: L. Rotonda

COURT REPORTER: J. Bean

COURT IN SESSION: 1:30 PM

TOTAL TIME: 37 MINUTES

TYPE OF PROCEEDING: MOTION HEARING

COURT RULING/DISPOSITION:

1. MOTION TO DETERMINE COUNSEL – SEE BELOW.

ATTORNEYS PRESENT FOR PLAINTIFF(S):

Alex Uballez

ATTORNEYS PRESENT FOR DEFENDANT(S):

Joe Romero

PROCEEDINGS:

COURT IN SESSION: 1:30 PM

COURT: CALLS CASE, COUNSEL ENTER APPEARANCES. COURT INVITES MR. ROMERO TO SPEAK TO MOTION.

MR. ROMERO: SUMMARIZES CONTENT OF MOTION, INDICATES NOT INTERESTED IN REPRESENTING INDIVIDUAL WHO WILL NOT COOPERATE WITH HIM.

COURT: ASKS MR. ROMERO GIVEN COURT’S HIGH REGARD FOR HIM, IF COURT DECIDES IT IS WHAT IS IN DEFENDANT’S BEST INTEREST, WOULD HE BE WILLING TO CONTINUE REPRESENTING DEFENDANT?

MR. ROMERO: WOULD NOT DISOBEY ORDER OF THE COURT, BUT REITERATES THAT IT IS DEFENDANT’S PREFERENCE THAT HE REPRESENT HIMSELF.

COURT: ACKNOWLEDGES THAT INDIVIDUALS IN UNITED STATES ARE ABLE TO REPRESENT

THEMSELVES, BUT NOTES THAT DEFENDANT DENIES THAT HE IS SAME. QUERIES MR. ROMERO AS TO WHETHER THIS REPRESENTS ISSUES AS TO DEFENDANT TO REPRESENT SELF IF THEY DENY IDENTITY. COURT QUERIES MR. ROMERO AS TO WHETHER DEFENDANT MAY ADDRESS THE COURT.

MR. ROMERO: INDICATES DEFENDANT MAY ADDRESS THE COURT.

DEFENDANT: ADDRESSES THE COURT, ALLOCUTES.

1:55 PM COURT: INTERJECTS, QUERIES DEFENDANT AS TO REMAINING DURATION OF ALLOCUTION.

DEFENDANT: RESPONDS, RESUMES ALLOCUTION.

COURT: INDICATES INCLINED TO ASK THAT MR. ROMERO CONTINUE TO REPRESENT DEFENDANT. INDICATES COULD DO COLLOQUY, THOUGH UNSURE AS TO WHAT CONTENT WOULD BE.

MR. UBALLEZ: AGREES WITH COURT, NOTES THAT THERE IS NO INDICATION THAT DEFENDANT HAS INVOKED RIGHT TO REPRESENT SELF.

COURT: QUERIES COUNSEL.

MR. UBALLEZ: RESPONDS TO COURT'S QUERIES.

COURT: ADDRESSES MR. ROMERO, QUERIES AS TO WHETHER HE WOULD BE WILLING TO CONTINUE REPRESENTING DEFENDANT.

MR. ROMERO: SUGGESTS THAT COURT COULD FIND THAT DEFENDANT IS HIMSELF, AND ACT AS STANDBY COUNSEL.

COURT: ADDRESSES THE DEFENDANT, STATES THAT HE IS GOING TO POSE QUESTIONS TO DEFENDANT.

DEFENDANT: ADDRESSES THE COURT.

COURT: QUERIES MR. ROMERO AS TO WHETHER COMPETENCY HEARING NEEDED BEFORE PROCEEDING TO SENTENCING.

MR. ROMERO: STATES HAS READ RELEVANT PORTIONS OF REPORT TO DEFENDANT. QUERIES

COURT AS TO WHETHER COURT WOULD ACCEPT DEFENDANT'S STIPULATION AS TO HIS COMPETENCY.

COURT: QUERIES DEFENDANT.

DEFENDANT: RESPONDS TO COURT'S QUERY, INDICATES BELIEF THAT HE IS COMPETENT.

COURT: QUERIES COUNSEL, ASKS THAT MR. UBALLEZ SUBMIT PROPOSED FORM OF ORDER AS TO COMPETENCY ISSUE.

MR. UBALLEZ: AGREES TO SAME.

COURT: ADDRESSES COUNSEL, ASKS WHETHER THERE IS ANYTHING FURTHER. THANKS COUNSEL FOR ASSISTANCE.

COURT IN RECESS: 2:07 PM